

Application Number: 09/993,751
Amendment Dated: October 26, 2004
Reply to Office Action of September 1, 2004

Amendments to the Claims:

1. (Original) A plant cell of a *Brassica napus* plant having an "R" rating for blackleg and resistance to at least one AHAS-inhibitor herbicide, wherein said plant is designated variety NS3213, representative seed of said variety having been deposited under ATCC Accession No. PTA-2471.
2. (Original) A tissue culture of regenerable cells of a *Brassica* plant having an "R" rating for blackleg and resistance to at least one AHAS-inhibitor herbicide, wherein said plant is designated variety NS3213, representative seed of said variety having been deposited under ATCC Accession No. PTA-2471.
3. (Previously Presented) A *Brassica* plant having an "R" rating for blackleg and resistance to at least one AHAS-inhibitor herbicide produced from the tissue culture of claim 2.
4. (Previously Presented) A *Brassica* plant or plant part having an "R" rating for blackleg and resistance to at least one AHAS-inhibitor herbicide, wherein said plant is designated variety NS3213, representative seed of said variety having been deposited under ATCC Accession No. PTA-2471.
5. (Currently Amended) ~~A plant~~ The plant part in accordance with claim 4, wherein said plant part is selected from the group consisting of tissue, pollen, ovules, roots, leaves, cotyledons, hypocotyls, embryos, pods, flowers, shoots, stalks, seeds, and microspores.
6. (Previously Presented) A method for regenerating a *Brassica* plant having an "R" rating for blackleg and resistance to at least one AHAS-inhibitor herbicide,

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the method comprising growing the plant part of claim 4 under conditions sufficient to regenerate a *Brassica* plant.

7. (Previously Presented) A method of breeding a *Brassica* line comprising crossing a first *Brassica* plant having an "R" rating for blackleg and resistance to at least one AHAS-inhibitor herbicide with a second *Brassica* plant, wherein said first *Brassica* plant is designated variety NS3213, representative seed of said variety having been deposited under ATCC Accession No. PTA-2471.
8. (Currently Amended) The method according to claim 7, further comprising a breeding program selected from the group consisting of pedigree breeding, self-pollination, haploidy, single seed descent, modified single seed descent and backcrossing followed by selecting for a *Brassica* line that has an "R" rating for blackleg and resistance to at least one AHAS-inhibitor herbicide, and wherein the second plant is a *Brassica napus* plant.
9. (Original) The method according to claim 7, wherein said second plant is *Brassica napus*.
10. (Original) The method according to claim 7, wherein said second plant is *Brassica juncea*.
11. (Original) The method according to claim 7, wherein said second plant is *Brassica rapa*.
12. (Previously Presented) A method for producing a first generation (F1) hybrid *Brassica* seed comprising crossing a first *Brassica* plant having resistance to

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at least one AHAS-inhibitor herbicide and an "R" rating for blackleg with a second *Brassica* plant different than said first *Brassica* plant and harvesting the resultant first generation (F1) hybrid *Brassica* seed, wherein said first *Brassica* plant is designated variety NS3213, representative seed of said variety having been deposited under ATCC Accession No. PTA-2471.

13. (Original) The method in accordance with claim 12, wherein said second *Brassica* plant is *Brassica napus*.
14. (Original) The method in accordance with claim 12, wherein said second *Brassica* plant is *Brassica juncea*.
15. (Original) The method in accordance with claim 12, wherein said second *Brassica* plant is *Brassica rapa*.
- 16-34. (Canceled)
35. (Currently Amended) A *Brassica napus* progeny plant or plant part of variety NS3213, wherein said progeny plant or plant part has an "R" rating for blackleg and resistance to at least one AHAS-inhibitor herbicide, representative seed of said variety having been deposited under ATCC Accession No. PTA-2471.
36. (Currently Amended) ~~A *Brassica*~~ The progeny plant or plant part of claim 35, wherein said progeny plant or plant part is an F1 hybrid plant or plant part.
37. (Currently Amended) A *Brassica napus* progeny plant seed of variety NS3213, wherein said progeny plant seed has an "R" rating for blackleg and

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resistance to at least one AHAS-inhibitor herbicide, representative seed of said variety having been deposited under ATCC Accession No. PTA-2471.

38. (Currently Amended) A ~~Brassica~~ The progeny plant seed of claim 37, wherein said progeny plant seed is an F1 hybrid seed.
39. (Currently Amended) A *Brassica napus* progeny plant cell of variety NS3213, wherein said progeny plant cell has an "R" rating for blackleg and resistance to at least one AHAS-inhibitor herbicide, representative seed of said variety having been deposited under ATCC Accession No. PTA-2471.
40. (Currently Amended) A ~~Brassica~~ The progeny plant cell of claim 39, wherein said progeny plant cell is an F1 hybrid cell.
41. (New) A method of breeding a *Brassica napus* line comprising (a) crossing a first *Brassica napus* plant with a second *Brassica napus* plant to produce seed (b) growing the seed and selecting a *Brassica* progeny plant having an "R" rating for blackleg and resistance to at least one AHAS-inhibitor herbicide, wherein said first *Brassica napus* plant is designated variety NS3213, representative seed of said variety having been deposited under ATCC Accession No. PTA-2471 (c) crossing the *Brassica* progeny plant with the first *Brassica napus* plant or the second *Brassica napus* plant one or more times, and (d) selecting subsequent *Brassica* progeny plants having an "R" rating for blackleg and resistance to at least one AHAS-inhibitor herbicide.